

**DRAFT
MULTIPLE SPECIES CONSERVATION PROGRAM
FINDINGS OF CONFORMANCE FOR**

**LOS COCHES LOW FLOW URBAN RUNOFF DIVERSION TO SEWER PROJECT
1023735**

August 2, 2022

I. Introduction

The County of San Diego (County) Department of Public Works (DPW) is proposing a project located on Los Cochets Road between Via Diego and Ha Hana Road in the unincorporated community of Lakeside in San Diego County. An existing 30-inch reinforced concrete pipe (RCP) is located under Los Cochets Road, which collects storm water runoff and discharges into a reinforced concrete triple box (RCB) culvert at Los Cochets Creek. During the dry season, runoff from irrigation and other urban sources flows into the 30-inch RCP without receiving water quality treatment. The proposed Los Cochets Low Flow Urban Runoff Diversion to Sewer Project would capture and divert dry weather flows to an existing County sewer line using a gravity flow system allowing the runoff water to be treated.

The goal of the project is to improve water quality by reducing the non-storm water flows from entering the municipal separate storm sewer system (MS4) within the County road right-of-way. Specifically, the project consists of installing a debris separating baffle box (DSBB) underneath Los Cochets Road. As water passes through the DSBB, dry weather flows would be diverted to an existing sewer line where it would be routed for treatment. However, if the water flow rate exceeds five gallons per minute (i.e., during a moderate to heavy rain event), the stormwater would exit the DSBB through a new 36-inch RCP, which would outlet into Los Cochets Creek. To facilitate proper drainage, an existing headwall at Los Cochets Creek would be replaced to accommodate the new 36-inch RCP. Erosion control would be implemented in the disturbed area of the headwall and existing vegetation would be replaced in kind after construction of the new headwall is complete. Post-construction erosion control would include the installation of an energy dissipater (rip rap) as a best management practice (BMP) at the outlet of the new storm drainpipe that enters Los Cochets Creek. Additional improvements would be made to the existing sidewalk, curb, gutter, and road surface. An island median would also be installed on Via Diego to properly direct traffic entering Los Cochets Road. Lastly, existing utilities that are located within Via Diego and Los Cochets Road, which conflict with the proposed system, would be relocated as part of the project.

Future maintenance of the proposed gravity flow system would be accessed within the County's right-of-way for Los Cochets Road and Via Diego with parking of maintenance vehicles along the roadways. Traffic control may be needed during routine maintenance; therefore, an Operations and Maintenance Plan (O&M), and Traffic Control Plan would be developed for ongoing maintenance as well as for construction activities. No road closures or night work will occur during construction activities. Lanes on Los Cochets Road and Via Diego will remain open with traffic controls in place. The project's construction duration is estimated to be approximately three (3) months.

A thorough discussion of project impacts and mitigation can be found in the project’s associated Mitigated Negative Declaration prepared in accordance with the California Environmental Quality Act (CEQA). Significant impacts associated with the proposed project that are within the South County MSCP - Unincorporated Land in Metro-Lakeside-Jamul Segment include:

- Permanent impacts to 0.01 acre of southern willow scrub.
- Temporary impacts to 0.05 acre of southern willow scrub, less than 0.01 acre (103 square feet) of coast live oak woodland, and less than 0.01 acre (13 square feet) of non-vegetated channel.
- Permanent impacts to 0.01 acre of riparian habitat under California Department of Fish and Wildlife (CDFW) jurisdiction.
- Temporary impacts to 0.0003 acre (13 square feet) of non-wetland waters of the U.S./State as regulated by the U.S. Army Corps of Engineers (ACOE), Regional Water Quality Control Board (RWQCB), and CDFW, and 0.05 acre of riparian habitat under CDFW jurisdiction.
- Potential impacts to nesting and foraging success of sensitive animals.

Measures to mitigate significant impacts associated with the proposed project include:

- Schedule construction efforts outside the combined avian breed season (January 15 to September 15); conduct nest surveys prior to construction if the breeding season cannot be avoided; and create protective buffer zones to protect sensitive species or nests that are identified adjacent to construction.
- Permanent impacts to southern willow scrub within the MSCP would require habitat-based mitigation in compliance with the BMO.
- Impacts to jurisdictional resources would require consultation and/or permits with USACE, RWQCB, and CDFW prior to initiation of work. Impacts to jurisdictional resources within the Unincorporated Land in Metro-Lakeside-Jamul Segment of the County’s MSCP area would require mitigation in conformance with the BMO.

Table 1. Habitat Impacts and Mitigation (acres)

Habitat Type	Tier Level	Existing On-site	Temporary Impacts	Permanent Impacts	Mitigation Ratio ¹	Mitigation (total)
Coast live oak woodland	I	<0.01 (103 sqft)	<0.01 (103 sqft)	--	n/a	--
Southern willow scrub	I	0.06	0.05	0.01	1:1	0.01
Non-vegetated channel ²	--	<0.01 (13 sqft)	<0.01 (13 sqft)	--	n/a	--
Urban/Developed	IV	0.34	0.22	0.12	n/a	--
TOTAL		0.40	0.27	0.13		0.01

sqft = square feet

¹ Pursuant to BMO Attachment M (Table of Mitigation Ratios).

² No MSCP Subarea Plan assigned tier.

The findings contained within this document are based on County records, staff field site visits and the Biological Resources Letter Report prepared by RECON Environmental dated July 6, 2022. The information contained within these Findings is correct to the best of staff's knowledge at the time the findings were completed. Any subsequent environmental review completed due to changes in the proposed project or changes in circumstance shall need to have new findings completed based on the environmental conditions at that time.

The project has been found to conform to the County's Multiple Species Conservation Program (MSCP) Subarea Plan, the Biological Mitigation Ordinance (BMO) and the Implementation Agreement between the County of San Diego, the CA Department of Fish and Wildlife and the US Fish and Wildlife Service. Third Party Beneficiary Status and the associated take authorization for incidental impacts to sensitive species (pursuant to the County's Section 10 Permit under the Endangered Species Act) shall be conveyed only after the project has been approved by the County, these MSCP Findings are adopted by the hearing body and all MSCP-related conditions placed on the project have been satisfied.

II. Biological Resource Core Area Determination

The impact area and the mitigation site shall be evaluated to determine if either or both sites qualify as a Biological Resource Core Area (BRCA) pursuant to the BMO, Section 86.506(a)(1).

A. Report the factual determination as to whether the proposed Impact Area qualifies as a BRCA. The Impact Area shall refer only to that area within which project-related disturbance is proposed, including any on and/or off-site impacts.

The Impact Area does not qualify as a BRCA since it does not meet any of the following BRCA criteria:

i. The land is shown as Pre-Approved Mitigation Area on the wildlife agencies' Pre-Approved Mitigation Area map.

The project area is located within the Unincorporated Land in Metro-Lakeside-Jamul Segment of the MSCP. As such, the project is not located within a Pre-Approved Mitigation Area.

ii. The land is located within an area of habitat that contains biological resources that support or contribute to the long-term survival of sensitive species and is adjacent or contiguous to preserved habitat that is within the Pre-Approved Mitigation Area on the wildlife agencies' Pre-Approved Mitigation Area map.

The land is not located within an area of habitat which contains biological resources that support or contribute to the long-term survival of special status species, nor is the project located adjacent to the Pre-Approved Mitigation Area.

iii. The land is part of a regional linkage/corridor. A regional linkage/corridor is either:

a. Land that contains topography that serves to allow for the movement of all sizes of wildlife, including large animals on a regional scale; and contains

adequate vegetation cover providing visual continuity so as to encourage the use of the corridor by wildlife; or

- b. Land that has been identified as the primary linkage/corridor between the northern and southern regional populations of the California gnatcatcher in the population viability analysis for the California gnatcatcher, MSCP Resource Document Volume II, Appendix A-7 (Attachment I of the BMO.)**

The land is not part of a regional wildlife corridor.

- iv. The land is shown on the Habitat Evaluation Map (Attachment J to the BMO) as very high or high and links significant blocks of habitat, except that land which is isolated or links small, isolated patches of habitat and land that has been affected by existing development to create adverse edge effects shall not qualify as BRCA.**

The land on the Habitat Evaluation Map is identified as developed. A small portion of the project's southern end appears to overlap with very high designation; however, the project would only improve the existing road's storm drain and would not remove any habitat near the very high designation area.

- v. The land consists of or is within a block of habitat greater than 500 acres in area of diverse and undisturbed habitat that contributes to the conservation of sensitive species.**

The land does not consist of nor is it within a block of habitat greater than 500 acres in area of diverse and undisturbed habitat that contributes to the conservation of sensitive species.

- vi. The land contains a high number of sensitive species and is adjacent or contiguous to surrounding undisturbed habitats, or contains soil derived from the following geologic formations which are known to support sensitive species:**
 - a. Gabbroic rock;**
 - b. Metavolcanic rock;**
 - c. Clay;**
 - d. Coastal sandstone**

The land does not contain a high number of sensitive species and is not adjacent or contiguous to surrounding undisturbed habitats, nor does it contain soil derived from Gabbroic rock, Metavolcanic rock, Clay, or Coastal sandstone.

B. Report the factual determination as to whether the Mitigation Site qualifies as a BRCA.

Mitigation for the project's permanent impact to southern willow scrub within the Unincorporated Land in Metro-Lakeside-Jamul Segment of the County's MSCP will consist of mitigation either on- or off-site in the form of enhancement, restoration, or creation of habitat; deduction of credits from a County-approved mitigation area; or other off-site preservation. In accordance with the Biological Mitigation Ordinance's Attachment M, the mitigation ratio for permanent impacts would be 1:1 since the impact is not located within

a BRCA, and the mitigation is planned to occur within a BRCA. All approved mitigation areas are considered BRCAs as defined by Article VI.A.1.b.i of the BMO. If the final selected mitigation site is not within BRCA, the mitigation ratio would be 2:1.

III. Biological Mitigation Ordinance Findings

The proposed project will comply with the Biological Mitigation Ordinance.

A. Project Design Criteria (Section 86.505(a))

The following findings in support of Project Design Criteria, including Attachments G and H (if applicable), must be completed for all projects that propose impacts to Critical Populations of Sensitive Plant Species (Attachment C), Significant Populations of Narrow Endemic Animal Species (Attachment D), Narrow Endemic Plant Species (Attachment E) or Sensitive Plants (San Diego County Rare Plant List) or proposes impacts within a Biological Resource Core Area.

The proposed project will not impact Critical Populations of Sensitive Plant Species (Attachment C), Significant Populations of Narrow Endemic Animal Species (Attachment D), Narrow Endemic Plant Species (Attachment E) or Sensitive Plants (San Diego County Rare Plant List) or propose impacts within a BRCA as none were identified within the project impact area. Project Design Criteria, including Attachments G and H, are not required.

IV. Subarea Plan Findings

Conformance with the objectives of the County Subarea Plan is demonstrated by the following findings:

1. The project will not conflict with the no-net-loss-of-wetlands standard in satisfying State and Federal wetland goals and policies.

Within the Unincorporated Land in Metro-Lakeside-Jamul Segment of the County's MSCP, the proposed project will permanently impact a total of 0.01 acre of riparian habitat under CDFW jurisdiction.

In addition, the proposed project will temporarily impact a total of 0.0003 acre (13 square feet) of non-wetland waters of the U.S./State as regulated by the U.S. Army Corps of Engineers (ACOE), Regional Water Quality Control Board (RWQCB), and CDFW, and 0.05 acre of riparian habitat under CDFW jurisdiction.

Permanent and temporary impacts will be mitigated through restoration of temporarily impacted areas, habitat creation, enhancement, or preservation to achieve a no-net loss of jurisdictional resources, as determined through coordination with the resource agencies.

2. The project includes measures to maximize the habitat structural diversity of conserved habitat areas including conservation of unique habitats and habitat features.

The proposed project consists of improving water quality by reducing the non-storm water flows from entering the municipal separate storm sewer system (MS4) within the County road- right-of-way.

The proposed project would permanently impact 0.01 acre of southern willow scrub. Mitigation for impacts to this riparian vegetation community would consist of either on- of off-site mitigation in the form of enhancement, restoration, or creation of habitat; deduction of credits from a County-approved mitigation area; or other off-site preservation. This mitigation would contribute to the structural diversity of conserved habitat areas including conservation of unique habitats and habitat features.

3. The project provides for conservation of spatially representative examples of extensive patches of Coastal sage scrub and other habitat types that were ranked as having high and very high biological values by the MSCP habitat evaluation model.

The proposed project would only impact land designated as “developed” by the Habitat Evaluation Model. A small portion of the project’s southern end appears to overlap with very high designation; however, the project would only improve the existing road’s storm drain and would not remove any habitat near the very high designation area. Therefore, no impacts would occur to Coastal sage scrub or other habitat types ranked as having high and very high biological values by the MSCP habitat evaluation model.

4. The project provides for the creation of significant blocks of habitat to reduce edge effects and maximize the ratio of surface area to the perimeter of conserved habitats.

The proposed project site is located within the Unincorporated Land in Metro-Lakeside-Jamul Segment of the MSCP and would permanently impact only 0.01 acre of southern willow scrub. Mitigation for this permanent impact would be mitigated either on- of off-site, through deduction of credits from a County-approved mitigation area, or other off-site preservation. All mitigation will be consistent with the BMO. Off-site mitigation would contribute to preserving significant blocks of high-quality habitat. All temporarily impacted areas will be revegetated on-site at a 1:1 ratio with native habitat.

5. The project provides for the development of the least sensitive habitat areas.

The proposed project consists of improving water quality by reducing the non-storm water flows from entering the municipal separate storm sewer system (MS4) within the County road- right-of-way. The majority of improvements and permanent/temporary impacts fall within the least sensitive habitat areas with 0.34 ac of developed land, 0.06 acre of southern willow scrub, less than 0.01 acre of coast live oak woodland, and less than 0.01 acre of non-vegetated channel.

Regarding sensitive habitats, the proposed project would permanently impact 0.01 acre of southern willow scrub, all of which occur adjacent to the existing road. Mitigation for impacting this riparian vegetation community would consist of either on- of off-site mitigation in the form of enhancement, restoration, or creation of habitat; deduction of credits from a County-approved mitigation area; or other off-site preservation. All mitigation

will be consistent with the BMO. Therefore, the project provides for the development of the least sensitive habitats and will mitigate appropriately for any project impacts.

6. The project provides for the conservation of key regional populations of covered species, and representations of sensitive habitats and their geographic sub-associations in biologically functioning units.

The proposed project is located in a developed area outside of any regional wildlife movement corridors and, therefore, is not anticipated to result in impacts to regional wildlife movement. The proposed project would permanently impact only 0.01 acre of southern willow scrub. Mitigation for this permanent impact would be mitigated either on- or off-site, through deduction of credits from a County-approved mitigation area, or other off-site preservation. Therefore, the proposed project will ensure conservation of key regional populations of covered species.

7. Conserves large interconnecting blocks of habitat that contribute to the preservation of wide-ranging species such as Mule deer, Golden eagle, and predators as appropriate. Special emphasis will be placed on conserving adequate foraging habitat near Golden eagle nest sites.

The proposed project consists of improving water quality by reducing the non-storm water flows from entering the municipal separate storm sewer system (MS4) within the County road- right-of-way. The project would only impact vegetation communities that are directly adjacent to the existing road. Mitigation for impacts to riparian vegetation communities would consist of either on- or off-site in the form of enhancement, restoration, or creation of habitat; deduction of credits from a County-approved mitigation area; or other off-site preservation. Through this mitigation, the project may contribute to the conservation of large interlocking blocks of habitat that contribute to the preservation of wide-ranging species.

8. All projects within the San Diego County Subarea Plan shall conserve identified critical populations and narrow endemics to the levels specified in the Subarea Plan. These levels are generally no impact to the critical populations and no more than 20 percent loss of narrow endemics and specified rare and endangered plants.

The proposed project will not adversely affect critical populations and narrow endemics as none were identified within the project impact area.

9. No project shall be approved which will jeopardize the possible or probable assembly of a preserve system within the Subarea Plan.

The proposed project consists of improving water quality by reducing the non-storm water flows from entering the municipal separate storm sewer system (MS4) within the County road- right-of-way. The proposed project will impact areas that are part of the existing Unincorporated Land in Metro-Lakeside-Jamul Segment of the MSCP. However, the project will only impact vegetation communities that are directly adjacent to the existing road. Therefore, the project will not jeopardize the assembly of a preserve system within the Subarea Plan.

10. All projects that propose to count on-site preservation toward their mitigation responsibility must include provisions to reduce edge effects.

The proposed project consists of improving water quality by reducing the non-storm water flows from entering the municipal separate storm sewer system (MS4) within the County road- right-of-way. The proposed project will only impact vegetation communities that are directly adjacent to the existing road and necessary for installing the storm water infrastructure. Temporary impacts would be mitigated on-site through the restoration of temporarily impacted areas. Mitigation for permanent impacts to 0.01 acre of southern willow scrub would consist of either on- of off-site in the form of enhancement, restoration, or creation of habitat; deduction of credits from a County-approved mitigation area; or other off-site preservation to the satisfaction of the resource agencies.

11. Every effort has been made to avoid impacts to BRCA, to sensitive resources, and to specific sensitive species as defined in the BMO.

Both undeveloped land and residential development occur on the eastern and western side of Los Coches Road within the survey area. Landscaping occurs along the eastern and western edge of Los Coches Road, as well as the southern edge of Via Diego.

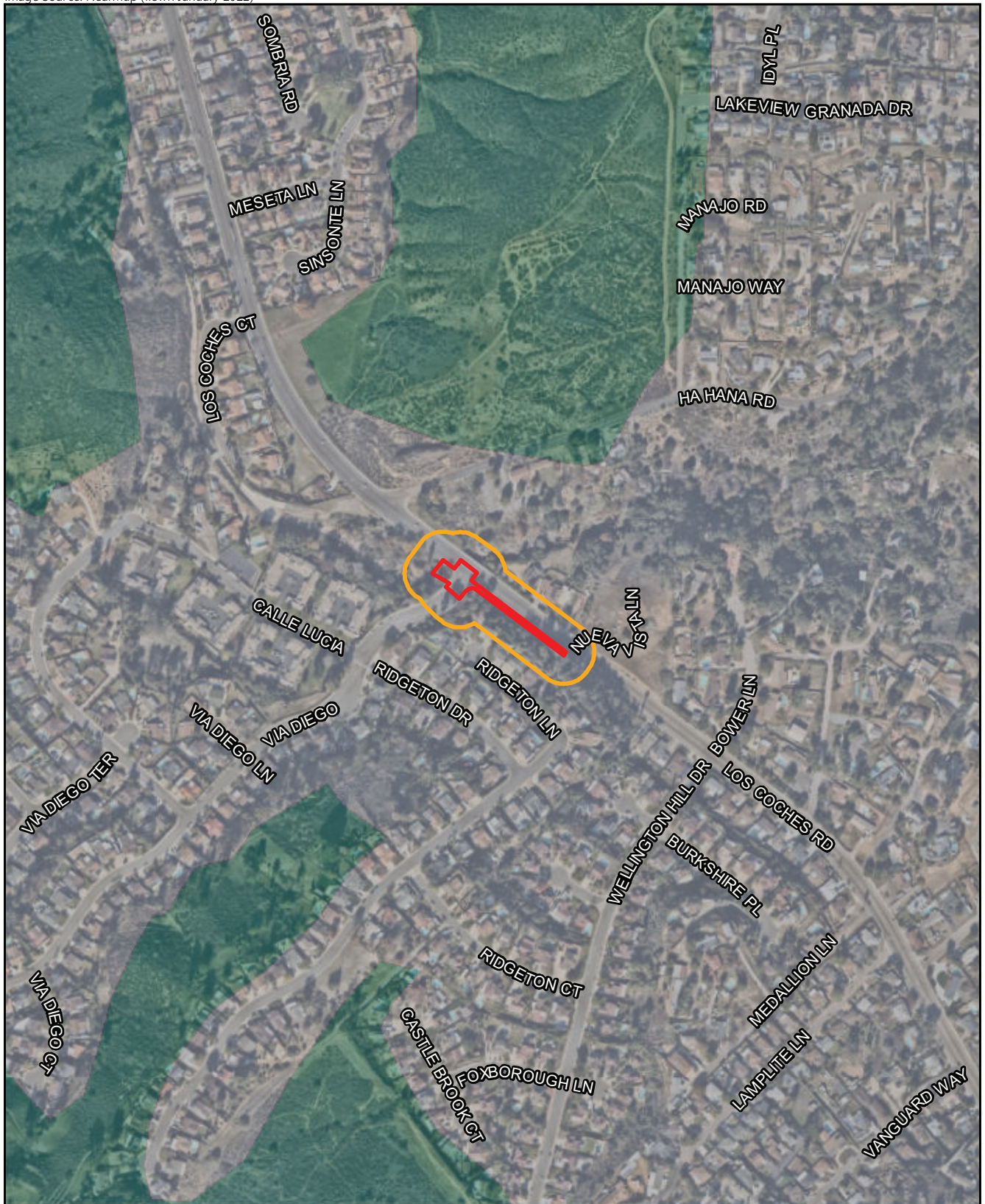
The project impact area does not qualify as a BRCA since it is not located within a pre-approved mitigation, the land is not part of a regional wildlife corridor, and does not meet the rest of the BRCA criteria. The proposed project would only result in minor impacts to one vegetation community, which is located directly adjacent to the existing road.

All feasible mitigation measures have been incorporated into this project. Those measures include mitigating for impacts to sensitive vegetation communities at ratios consistent with those set forth in the BMO. Mitigation for impacts to riparian vegetation communities would consist of either on- of off-site in the form of enhancement, restoration, or creation of habitat; deduction of credits from a County-approved mitigation area; or other off-site preservation.


Additional mitigation measures include scheduling construction activities outside the combined avian breed season (January 15 to September 15) to the extent feasible; conducting nest surveys prior to construction if the breeding season cannot be avoided; and creating protective buffer zones to protect sensitive species or nests that are identified adjacent to construction. In addition, habitat-based mitigation for impacts to southern willow scrub would reduce potential impacts to the foraging success of sensitive animals.

No feasible, less environmentally damaging alternative could be employed that would allow implementation of this essential public project. Best Management Practices including silt fencing, check dams, straw wattles, temporary gravel construction entrances, vegetated swales, inlet protection, gravel bags, and hydroseeding for slope stabilization will be implemented throughout the project site during and after construction.

Kimberly Jones, Department of Public Works
August 2, 2022



 Project Boundary

 Vegetation Survey Area

MSCP Designation

 Pre-Approved Mitigation Area

 Unincorporated Land in Metro-Lakeside-Jamul Segment

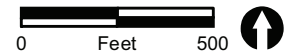


FIGURE
South County MSCP Designations